

**West Mojave Plan
Task Group 1
Green Tree Inn, Victorville
January 23, 2002**

Attendees

Task Group: Chuck Bell, Marie Brashear, Randy Coleman, Michael Connor, Nick Dallavalle, Joan Eagan, Clarence Everly, Jeri Ferguson, Ken Foster, Mark Hagan, Jeanette Hayhurst, Harold Johnson, Manuel Joia, Becky Jones, Denis Kearns, Peter Kiriakos, Paul Kober, Karen Kramer, Charles LaClaire, Carol Landry, David Matthews, Tonya Moore, Steven Morgan, James McRea, Robert Strub, Donna Thomas, Barbara Veale, Marcia Wertenberger, Art Gleason, Jacqueline Campos, Paul Condon, Ileene Anderson, John Kinne, Martin Wilkins, Tom Dodson, Tom McGill.

West Mojave Team: Bill Haigh, Larry LaPre, Ed LaRue, Valery Pilmer.

Introduction

Bill Haigh opened the meeting at 9:45 AM and introductions were made. Haigh noted that there were no requests for changes to the meeting notes for the January 9, 2002 meeting, and asked group members to e-mail him if any changes need to be recorded.

Desert Tortoise Wrap-Up

The first agenda item concerned a number of desert tortoise “clean-up” issues, including standard construction measures, the education program, film stipulations and weed abatement.

• **Standard Construction Measures**

Haigh noted that a set of proposed standard construction measures was provided to the group on December 18, 2001. Based on the group’s review of these measures, Haigh asked them to list the topics they would like to discuss.

Applicability of Measures. The first of these topics was the question of where, geographically, the measures should be implemented: just within the Tortoise Desert Wildlife Management Areas (DWMAs) or throughout a broader area.

Mark Hagan asked whether the wildlife agencies might require take avoidance outside of the DWMAs, and whether a subset of the Standard Construction Measures would apply everywhere. Becky Jones, California Department of Fish and Game (CDFG), agreed that some of the standards may apply to areas outside of the DWMAs, and asked whether Randy Scott, San Bernardino County (not present at this meeting) had specific measures he was concerned about applying outside the DWMAs.

Ed LaRue clarified that not all measures contained in the set of Standard Construction Measures will apply to all projects. Rather the set of standardized measures will be used to tailor a program for a given project.

The group agreed that the measures would apply within the DWMAs, and would not apply within the no clearance survey portions of the incidental take areas. Ed LaRue will come back to the group with subsets of the Standard Construction Measures for the BTA, SRA and survey portions of the ITA. LaRue will discuss the issue of where the measures will apply with the county representatives who have indicated some concern. Becky Jones advised that LaRue share with the counties that the measures apply to all areas under current rules.

Jeri Ferguson asked when the delineation of the survey and non-survey areas would be completed. LaRue indicated they would likely be available by mid-February.

Marie Brashear asked whether take avoidance measures will also be developed for the Mohave ground squirrel (MGS). Ed LaRue and Becky Jones replied that they will not be necessary for MGS. It was noted that take avoidance is not currently being done for the ground squirrel. Peter Kiriakos indicated concern with that approach.

Marie Brashear recommended that the standard measures be presented to the mining group to make them aware that the measures would apply to mining projects.

Peter Kiriakos suggested using the term “ground disturbance” in lieu of “construction” in the title. Ed LaRue will draft a preamble which clarifies when and where the standard measures will apply.

Authorized Biologists and Monitors. Mike Connor asked why the criteria for authorized biologists was listed when the criteria is really established by the wildlife agencies. Ed LaRue responded that a number of people had asked about the difference between an authorized biologist and environmental monitor, so he included it in the information. It was noted that it may be helpful to have this type of information in the plan to help explain the difference to people.

Connor asked whether the reporting referenced in measures 30, 31 and 32 was to be submitted by the Authorized Biologist. LaRue responded yes. Connor asked why the reporting time was 30 days in number 31, but 90 days in number 32. Becky Jones responded that the requirement is for a report every 30 days during construction, and 90 days after the completion of construction or termination of activities. Connor indicated he wanted assurance that a report would be provided to the Implementation Team every 30 days.

Marie Brashear indicated that she understood that the concept of environmental monitors involved training individuals so that the wildlife biologist would not have to be on the site

to move all tortoises. Brashear indicated concern that there is an insufficient number of biologists to provide assistance in a timely manner, and that some kind of program needs to be developed. Becky Jones indicated that anyone who handles tortoises has to be approved by CDFG and USFWS and therefore would be an Authorized Biologist. Mark Hagan indicated that on military land, monitors are the ones moving tortoises. Mike Connor indicated he would like to see the responsibilities for Environmental Monitors, Authorized Biologists, and Field Contact Representative spelled out clearly in the document. It was agreed to bring the issue raised by Brashear back at a later date. Bill Haigh indicated that staff will ask Ray Bransfield, USFWS, about this issue.

Peter Kiriakos indicated that the Authorized Biologist needs to have the authority to shut down a project if necessary as this person is acting in place of the regulatory agencies. Kiriakos expressed concern that the Field Contact Representative, who works for the company, may or may not be willing to do so. Becky Jones responded that the Authorized Biologist definitely has the authority to stop work on the site and feels this should be spelled out more clearly in the text.

Bob Strub asked how the reporting requirement is affected if the site is fenced. Bill Haigh indicated that Ed LaRue will come up with language that addresses this issue. It was suggested that the reporting not be required if the site is first fenced and then cleared of tortoises. Barbara Veale suggested adding the language "unless waived" to the reporting requirements.

Peter Kiriakos suggested that the information might be more readable in matrix form.

Construction Site Speed Limits. Bob Strub questioned the 20 mph speed limit. Ed LaRue clarified that the speed limit would apply to traffic associated with the construction project on unposted dirt roads only. It would not apply to areas where a speed limit is posted, and would not apply to recreation vehicles. Concern was expressed regarding the ability to enforce the measure. LaRue noted that if the speed limit is exceeded and a tortoise is killed, it would not be covered by the permit. LaRue noted that this measure has been applied to construction projects for the past ten years. Peter Kiriakos indicated that the Sierra Club would prefer a 15 mph speed limit and stated that it is difficult to sight a tortoise at 20 mph and is difficult to stop a heavy work truck when one is sighted. Bob Strub asked who would be liable if a trucker speeds when leaving the site. Ed LaRue responded that it would be the responsibility of whomever the permit is issued to.

Other Issues. Marie Brashear asked whether guard dogs would be included in measure 26 regarding prohibiting pets from the construction site. Ed LaRue responded no. LaRue stated that this measure was modified specifically to exclude animals such as seeing-eye dogs or guard dogs from being prohibited from the site. Peter Kiriakos asked that "pets" be changed to "dogs" since the most likely pet would be a dog.

Mike Connor asked how the take permit would work. LaRue stated that the standard

construction measures would apply, and then take would be recorded. Connor indicated that if there is no limit on take, then there needs to be major take avoidance measures.

Bob Strub indicated that in regards to measure #27, firearms, he will be bringing the item to the attention of the state representative for the National Rifle Association.

- **Education Program**

Denis Kearns expressed concern with the organization of this section. Donna Thomas suggested that some group or agency develop a compendium of what already exists in terms of educational materials or programs. Marie Brashear indicated that the program should apply more broadly to all species addressed in the plan. Bob Strub would like to see rural schools targeted for education first since there is no buffer between their homes and habitat. Jeri Ferguson noted that Needles School District has a good program and should be contacted. Ferguson agreed that local schools need to be a priority since residents use the area on a daily basis.

Denis Kearns indicated that he has some thoughts on how to better organize this section. Ed LaRue will get together with Denis Kearns to discuss these ideas. Mike Connors asked that a statement of goals be prepared to help organize and prioritize the follow-on actions that will be taken. Bill Haigh asked that Denis Kearns help formulate goals for this section. Peter Kiriakos suggested that the goals may differ depending on who the target audience is, and asked that this be taken into consideration. Ileene Anderson indicated she would like to see the program broadened beyond tortoise to educate people on desert ecology. Although A5 on page 1 discusses ecology, the language is rather limiting and doesn't entirely cover this issue. Anderson sees a need to broaden education on plant issues.

Bill Haigh indicated that Denis Kearns will help with establishing goals for this section, while Larry LaPre will work on broadening the program with input from Ileene Anderson and Denis Kearns.

Peter Kiriakos stated that there needs to be an education information exchange developed that would assist with coordinating and disseminating the information between groups.

Jeri Ferguson asked that staff send what is put together on this to the Education Subcommittee.

- **Filming Stipulations**

Ed LaRue referenced the handout provided to the task group on December 18th. LaRue noted that both Ridgecrest and Barstow field offices have standard stipulations and suggested that these continue to be used. Harold Johnson noted that Barstow is working on a programmatic EA for filming.

Marie Brashear asked that provision be made for looking at new areas for film crews, and noted that a list has been provided to Barstow BLM of several possible new sites. Harold Johnson noted that none of the suggested sites are located within a DWMA.

Discussion occurred regarding how filming on private land will be handled. Bill Haigh recommended that Randy Scott and Lorelei Oviatt be contacted on this issue. Haigh will ask that they provide copies of any conditions they apply to filming on private land, and will also invite the film commission representatives (Sheri Davis and Ray Arthur) to be present during future discussions on this issue. Marie Brashear also recommended that in addition to the Ridgecrest and Barstow film stipulations, the plan adopt whatever provisions come from the Barstow programmatic review.

- **Weed Abatement**

Ed LaRue noted that the recommendation is for the Plan's Implementation Team to cooperate with known weed abatement specialists and organizations.

Donna Thomas asked that the Kern County Weed Management Agency be added to the list.

Peter Kiriakos asked whether interface exists with the BLM national program regarding noxious weeds. Jeri Ferguson noted that scoping has started on an EIS on invasive species and noted that four old EISs currently exist. Kiriakos suggested providing input to the national plan.

Ileene Anderson questioned whether cooperation alone will be sufficient. Mike Connor suggested that tracking habitat quality by monitoring the spread of weeds is needed. Donna Thomas responded that the weed management area is a multi-agency approach to coordinate efforts and that there is a monitoring component. Ileene Anderson expressed some concern that if the weed issue is left strictly to other agencies, the funding may not flow to the most appropriate places. Anderson was asked to draft additional language to cover this concern.

Peter Kiriakos asked that management of invasive species be made a solid part of the adaptive management program. Larry LaPre noted that riparian weeds have a number of programs going on in the desert. The harder problems, however, are the general weeds spreading in the desert such as red brome and cheat grass. LaPre noted that there is disagreement between experts regarding the problem, and stated that because of this, adaptive management is a good approach.

Mike Connor asked that goals be established for weed management. Ileene Anderson will work on this, and asked that staff provide her with the documents compiled to date on weed management.

Mohave Ground Squirrel Update

Ed LaRue noted that about five additional requests were received from the public during the review period of the MGS Conservation Area boundaries. La Rue will present the proposed boundary adjustments to the Mohave Ground Squirrel Technical Advisory Group on February 7, 2002. That meeting will be held at the Ridgecrest BLM office at 10:00 AM. If that group provides feedback, LaRue will bring their input back to Task Group 1 on February 11th.

Jeri Ferguson cautioned that the group has not bought off on the MGS or Tortoise DWMA boundaries, since they have not had an opportunity to discuss. Ferguson noted that adjustments were suggested 1 ½ years ago.

Bill Haigh stated that the MGS boundary discussion will be on the February 11th agenda, and that if anyone needs maps, to call and staff will provide.

Lunch Break

Multi-Species Scorecard: Addressed by Plan, Covered by Incidental Take Permit

Bill Haigh provided a clarification of the Revised Species Scorecard. Haigh indicated that 116 species have been considered. Conservation strategies which could be implemented on both public and private lands have been suggested for 102 species, and staff feels that 51 of these (which occur on private lands) could be covered by state and/or federal incidental take permits. Haigh asked the group to keep in mind the distinction between the total set of species for which conservation management is proposed and subset of this group which could also be “covered” by incidental take permits (“addressed by the plan” v.s. “covered by the permit”). Larry LaPre noted that the revised species list shows which species are proposed to be dropped, deleted or deferred.

LaPre noted that the state NCCP legislation is being overhauled (SB107), and the changes may affect the West Mojave Plan's ability to be considered an NCCP plan. Becky Jones noted that NCCP would facilitate the plan process since it would replace the species-by-species “fully mitigate” standard required by the 2081 permit with a more flexible, ecosystem-based standard.

LaPre also highlighted two different approaches to HCPs - criteria based (“if sufficient water is provided, you have coverage”) and action based (“build a three mile fence on highway 58, dig two wells at Kramer Junction”). Almost all of the management prescriptions agreed on for the West Mojave Plan to date have been action based. It is easier to obtain permits for action based HCPs since more certainty is given to the agencies. There are some species within the plan, however, that will need to be addressed by establishing criteria for future actions.

Multi-Species: South-Central Bioregion

Larry LaPre asked that if anyone would like a copy of the map for the South-Central Bioregion, to give him a written request. LaPre noted that widespread as well as endemic species exist within this bioregion.

The following issues were discussed:

- **Scope of Plant Conservation**

Ileene Anderson questioned why all populations of the Little San Bernardino Mountains Gilia (*Linanthus*) are not included in the conservation area. Larry LaPre responded that the goal for the species is protection of all populations on public land and 90% on private land. LaPre noted that the Copper Mountain population was considered an outlier, is private land and is within another watershed. Anderson indicated that this population represents the eastern-most extent of the range and not much development exists in the area. Anderson said she would submit her comments in writing as well. LaPre indicated that the species is difficult to deal with since it doesn't bloom every year. LaPre stated that the goal would limit take to 10% of the population on private land until more is known. Haigh also indicated that a larger conservation area, including the eastern population, could be included as an alternative in the EIS.

- **Proposal for route designation outside of route polygons.**

Jeri Ferguson asked whether the measures to protect the gilia would impact route designation. LaPre responded that the conservation area is outside the route designation polygons. LaPre also noted that private property owners have posted signs to prohibit vehicles on private property. Discussion occurred about whether route designation should be done in order to protect the washes that support the species. Bill Haigh noted that there will be several areas outside the route designation subregions that will need to go through the designation process. Jeri Ferguson asked that these be tracked, and Bill Haigh indicated that Larry LaPre will make a list of these additional areas. Ferguson noted that maps of these areas will need to be provided.

- **Land costs and relationship to fees**

Mike Connor asked for an explanation of the relationship between the cost of land in the area and the fee that will be collected. Bill Haigh responded that any fees collected in the plan area will go into a single pot. Individual species conservation would be ensured through the prioritization of land or easement acquisition. Larry LaPre added that narrow endemic species such as the gilia would likely be given high priority for acquisition. Connor would like to see an estimate of the cost of land needing conservation compared with the per acre income expected from fees. Bill Haigh indicated that the economic study may be able to help look at the funding issue.

- **Ability to protect flood control areas**

Peter Kiriakos expressed concern that San Bernardino County Flood Control cannot be depended upon to keep the drainage areas in a natural state. Larry LaPre indicated that

Flood Control is more focused on channelizing major streams, whereas the areas proposed for protection are minor drainages. The conservation area provides room near Highway 62 to allow for improvements near the highway. LaPre noted that most plants are located away from the highway, and the banks of the drainages are more important to the plant than the bottoms. Kiriakos indicated concern with the tenuous nature of the mitigation.

Ileene Anderson expressed concern that it will be difficult to implement protection of the drainage areas for non discretionary permits. Anderson also noted that an individual could run their own motorcycle through a backyard wash, and indicated she is not convinced the proposal is a biologically viable strategy. Peter Kiriakos suggested having representatives from San Bernardino County Flood Control available to discuss. Kiriakos would like to see very specific correspondence with the county regarding what can and cannot be done. Ed LaRue suggested tying conservation to streambed alteration permits. Bill Haigh indicated that staff would follow up with Randy Scott and San Bernardino County Flood Control on this issue.

- **New ACECs**

Mojave Monkeyflower ACEC: Larry LaPre pointed out that a new ACEC is being proposed for the Mojave monkeyflower. The ACEC would be in the Brisbane Valley and overlaps the area proposed for an SRA for the desert tortoise. The ACEC also expands the Mojave fish hook cactus ACEC. Concern was expressed that the establishment of this ACEC coincides with an area that has been targeted for disposal by the BLM. Harold Johnson indicated that BLM was still interested in disposing the parcel south of Brisbane Valley. Ileene Anderson expressed concern that without the Brisbane Valley, the monkeyflower will not be addressed by the plan. LaPre noted that about ½ of the range for this species is in the Newberry-Rodman area, and the other half is within the Brisbane Valley. LaPre added that the populations are in smaller groups in the eastern area. LaPre indicated that discussions need to take place and the current disposal policy needs to be reconsidered if something is to be done for this plant.

Group members indicated that more details of what would and would not be allowed in ACECs would need to be provided before they could endorse the proposal. LaPre indicated that all that is proposed is consolidation of federal lands, buying private property, and staying away from existing populations. Bill Haigh noted that the BLM's intent is that the ACEC plan be contained within the West Mojave Plan and would consist of the management prescriptions currently being reviewed. LaPre further indicated that route designation would need to be done to keep uses away from actual populations. Harold Johnson noted that the monkeyflower is found along Dagget Wash in the DWMA. Ileene Anderson and Mike Connor expressed concern that the 5:1 mitigation would apply whether one or several species are affected, and that there should be more incentive provided to discourage development from occurring in biologically diverse areas.

The group decided to table this item until the next meeting and asked that additional information be brought back to the group. Larry LaPre will have more detailed maps

available. Mike Connor asked that mining claim information be added to the maps and that a list describing the ACECs be developed. Peter Kiriakos suggested that staff look at not calling the conservation area an ACEC as an alternative in the EIS.

Pisgah Crater ACEC: Larry LaPre indicated that an ACEC was proposed for the Pisgah Crater area some time ago, but was postponed to be considered with the West Mojave Plan. Species within the area include the fringe toed lizard, tortoise, bats in the many lava tubes, and white-margined beardtongue. The area is unusual because of unique coloration in species. The desert horned lizard, for example, will be black on lava and white on sand.

Mike Connor asked that the reference in the text to the Wildlands Conservancy be deleted. LaPre indicated that the subject land had already been acquired, and agreed to delete the reference. Connor asked whether mineral withdrawal was being proposed. LaPre responded no. Jeri Ferguson asked that staff provide acreage for the proposed ACECs and would like an exact boundary map of the proposed ACEC. Bill Haigh indicated a map would be mailed to her.

- **Mojave fringe-toed lizard**

Connor asked about the first Mojave fringe-toed lizard measure on page 3. LaPre explained that there are many small private parcels in the Dale Lake area that would be proposed for acquisition. LaPre sees this as a long term project that will need further refining. LaPre indicated that the data layers of sand fields were digitized on an old computer system and are not usable. The extent and exact location of the dunes and blow sand area needs further refining. LaPre noted that measures for the fringe-toed lizard are criteria rather than action based since additional information is needed.

Marie Brashear asked about an area that appears to be military property ,but not used by the military, and appears to be good habitat for fringe-toed lizard and other species. Art Gleason made note to check on the status of this property.

Jeri Ferguson expressed concern with the lack of information. LaPre noted that the alternative is to drop species for which we can't be more precise.

Peter Kiriakos suggested contacting the USGS to see if they have any data on the dunes. Ileene Anderson indicated that a recent conference had discussed the dunes, and that aerial photographs were available. She felt that Bruce Pavlik, Mills College, would be amenable to help with this issue. Mike Connor suggested identifying a general area of concern for the fringe-toed lizard with the plan, and identify a more detailed conservation area later.

Next Meeting

The next meeting will be held on Monday, February 11, 2002 at 9:30 AM at the Green Tree Inn,

Victorville. Possible agenda will include completing the South Central bioregion, starting the Antelope Valley bioregion, and possibly the Sierra and Central bioregions.

Additional meetings will be held on Wednesday, March 6th, and Thursday, March 21st.

Jeri Ferguson asked that 8 ½ x 11 maps be included in the mailed packets, and asked that packets be mailed out sooner.